

Rule 7. Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities

327 IAC 15-7-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off so that the public health, existing water uses, and aquatic biota are protected. (*Water Pollution Control Board; 327 IAC 15-7-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2284*)

327 IAC 15-7-2 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 2. The following definitions apply throughout this rule:

- (1) "1-year, 2-year, and 10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in one (1), two (2), and ten (10) years, respectively, as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.", May 1961, or equivalent regional or rainfall probability information developed therefrom.
- (2) "4 × yearly sample frequency" means the performance of the associated monitoring once any time during each of the four (4) annual quarters:
 - (A) January-February-March;
 - (B) April-May-June;
 - (C) July-August-September; and
 - (D) October-November-December.
- (3) "Acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than six (6.0) or a total iron concentration equal to or greater than ten (10) milligrams per liter.
- (4) "Active mining area" means the area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas, and post mining areas.
- (5) "Alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal to or greater than six (6.0) and a total iron concentration of less than ten (10) milligrams per liter.
- (6) "Bond release" means the time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed.
- (7) "Coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and thereafter is loaded for transit to a consuming facility.
- (8) "Coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
- (9) "Coal refuse disposal pile" means any coal refuse deposited on the earth and intended as a permanent disposal or long term storage (greater than one hundred eighty (180) days) of such material but does not include coal refuse deposited within the active mining area or coal refuse that is never removed from the active mining area.
- (10) "Concentration" means the mass of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in milligrams per liter (mg/l).
- (11) "Controlled surface mine discharge" means any surface mine drainage that is pumped or siphoned from the active mining area.
- (12) "Dry weather base flow" means the normal base flow coming from an area or treatment facility which is not immediately affected by run-off caused by rainfall. This flow is a result of ground water interference or a build-up of rainwater over a long period of time. Alternate limitations apply when this dry weather flow increases due to a precipitation event and continues until the flow again returns to the dry weather rate.
- (13) "Mine drainage" means any drainage, and any water pumped or siphoned, from an active mining area or a post mining

area.

(14) "ml/l" means milliliters per liter.

(15) "Post mining area" means either of the following:

(A) A reclamation area.

(B) The underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.

(16) "Precipitation event" means a rainfall, snow melt, or ice melt which causes a discharge or an increase in the volume of a discharge.

(17) "Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

(18) "Settleable solids" means that matter measured by the volumetric method specified in 40 CFR 434.64, which is: Fill an Imhoff cone to the one (1) liter mark with a thoroughly mixed sample. Allow to settle undisturbed for forty-five (45) minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for fifteen (15) minutes longer. Record the volume of settled material in the cone as milliliters per liter (ml/l). Where a separation of settleable and floating materials occurs, do not include the floating material in the reading. The method detection limit for measuring settleable solids shall be four-tenths (0.4) ml/l.

(19) "TSS" or "total suspended solids" means the mass of suspended matter in wastewater retained on a standard glass fiber filter after filtration of a well-mixed sample after drying for one (1) hour at one hundred three degrees Celsius (103°C).

(Water Pollution Control Board; 327 IAC 15-7-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2284; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657)

327 IAC 15-7-3 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3

Affected: IC 13-11-2; IC 13-18-4

Sec. 3. This rule applies to all persons who:

(1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; or

(2) have an existing point source discharge of wastewater controlled by a valid individual NPDES permit.

(Water Pollution Control Board; 327 IAC 15-7-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2285; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1477)

327 IAC 15-7-4 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-7-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2285)*

327 IAC 15-7-5 NOI letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements contained in 327 IAC 15-3, a person regulated under this rule must submit with the NOI letter requirements under this rule the following information:

(1) The discharge location of each outfall, including each outfall regulated under section 7(b)(6) of this rule and its associated receiving stream.

(2) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered. The sequential number assigned to any outfall identified under section 7(b)(6) of this rule shall be preceded by an "S".

(3) For each numbered outfall, identify the mine drainage status regulated under section 7(a)(1) through 7(a)(4) of this rule. For numbered outfalls regulated under section 7(b)(6) of this rule, identify the outfall as discharging storm water.

(4) The dry weather base flow value for each numbered outfall regulated under section 7(a)(1) through 7(a)(4) of this rule.

(5) A topographical map identifying the location of the coal mining operation, the receiving streams, and the location of each numbered outfall.

(b) The NOI letter must also include proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:

"(Your facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing, and/or reclamation activities. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under subsection (b), IDEM shall do the following:

(1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).

(2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the fifteenth day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month. Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1. IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(d) An amended NOI letter containing the information required in 327 IAC 15-3 and subsection (a) shall be submitted for

active or post mining areas and coal preparation plants and associated areas prior to initiating one (1) of the following events:

- (1) A point source discharge is added or deleted.
- (2) A change is made in mine drainage status to a point source discharge.
- (3) The point source discharge location is changed to a different receiving stream.
- (e) A copy of the NOI letter and the amended NOI letter required under this section shall also be sent to the following address:

Indiana Department of Natural Resources

Division of Reclamation

R.R. #2, Box 129

P.O. Box 147

Jasonville, Indiana 47438-0147

(Water Pollution Control Board; 327 IAC 15-7-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2285; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657)

327 IAC 15-7-6 Deadline for submittal of NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit, that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3.

(Water Pollution Control Board; 327 IAC 15-7-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2287)

327 IAC 15-7-7 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge through the outfalls identified in the NOI letter in accordance with this rule. Such discharges shall be limited and monitored as follows:

- (1) Discharges through outfalls identified as active mining areas, coal preparation plants, and/or coal preparation plant associated areas designated as new source undetermined mine drainage status shall be limited and monitored as follows:

Parameter	Daily	Daily	Daily	Units	Measurement	
	Minimum	Average	Maximum		Frequency	Sample Type
Flow	)	Report	Report	MGD	2XMonthly	Instantaneous
TSS	)	35	70	mg/l	2XMonthly	Grab
pH	6.0	)	9.0	s.u.	2XMonthly	Grab
Total iron	)	3.0	6.0	mg/l	2XMonthly	Grab
Influent pH	)	Report	Report	Std.	Monthly	Grab
Influent total iron	)	Report	Report	mg/l	Monthly	Grab

- (2) Discharges through outfalls identified as active mining areas, coal preparation plants, and/or coal preparation plant associated areas designated as new source alkaline mine drainage status shall be limited and monitored as follows:

Parameter	Daily	Daily	Daily	Units	Measurement	
	Minimum	Average	Maximum		Frequency	Sample Type
Flow	)	Report	Report	MGD	2XMonthly	Instantaneous
TSS	)	35	70	mg/l	2XMonthly	Grab
pH	6.0	)	9.0	s.u.	2XMonthly	Grab
Total iron	)	3.0	6.0	mg/l	2XMonthly	Grab

- (3) Discharges through outfalls identified as active mining areas, coal preparation plants, and/or coal preparation plant

associated areas designated as new source acid mine drainage status shall be limited and monitored as follows:

<u>Parameter</u>	Daily	Daily	Daily	Measurement		<u>Sample Type</u>
	<u>Minimum</u>	<u>Average</u>	<u>Maximum</u>	<u>Units</u>	<u>Frequency</u>	
Flow	)	Report	Report	MGD	Weekly	Instantaneous
TSS	)	35	70	mg/l	Weekly	Grab
pH	6.0	)	9.0	s.u.	Weekly	Grab
Total iron	)	3.0	6.0	mg/l	Weekly	Grab
Total manganese	)	2.0	4.0	mg/l	Weekly	Grab
Total aluminum	)	Report	Report	mg/l	Monthly	Grab
Total copper	)	Report	Report	mg/l	Monthly	Grab
Total zinc	)	Report	Report	mg/l	Monthly	Grab
Total nickel	)	Report	Report	mg/l	Monthly	Grab

(4) Discharges through outfalls identified as post mining areas shall be limited and monitored as follows:

<u>Parameter</u>	Daily	Daily	Daily	Measurement		<u>Sample Type</u>
	<u>Minimum</u>	<u>Average</u>	<u>Maximum</u>	<u>Units</u>	<u>Frequency</u>	
Flow	)	)	)	)	4XYearly	Instantaneous
Settleable solids	)	Report	0.5	ml/l	4XYearly	Grab
pH	6.0	)	9.0	s.u.	Once every reporting period	Grab

(b) A person regulated under this rule shall comply with the following additional discharge requirements:

(1) The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are:

- (A) sodium hydroxide;
- (B) hydrated lime;
- (C) calcined (unslaked or quick) lime;
- (D) soda ash;
- (E) lime;
- (F) sodium bicarbonate; or
- (G) other water treatment additive approved by the Indiana department of environmental management.

(2) The discharge shall not cause excessive foam in the receiving waters.

(3) The discharge shall be essentially free of floating and settleable solids.

(4) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.

(5) The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.

(6) For discharges of storm water run-off composed entirely of flows from conveyances used for collecting and conveying precipitation run-off which are contaminated by contact with overburden, coal product, coal byproduct, or coal waste located on the site and do not otherwise report to a NPDES discharge point regulated under this rule, the permittee shall use best management practices including, but not limited to, secondary sedimentation control structures such as rip rap, straw dikes, check dams, mulch, dugouts, or other measures that reduce overload flow velocity, reduce run-off volume, or trap sediment to control run-off from such areas. Compliance with this subdivision obviates the need to comply with 327 IAC 15-6.

(c) A person regulated under subsection (a)(1) through (a)(3) may choose to apply the following alternate effluent limitations to a discharge when the discharge flow rate exceeds the dry weather base flow based on the precipitation events identified as follows:

(1) If a precipitation event is less than or equal to the 10-year, 24-hour storm event, the following limitations may apply instead of the limitations listed in subsection (a):

- (A) pH is limited to the range of six (6.0) to nine (9.0).
- (B) Settleable solids are limited to a maximum concentration of five-tenths (0.5) ml/l.

(2) If a precipitation event is greater than the 10-year, 24-hour storm event, only pH is limited to the range of six (6.0) to nine (9.0).

These alternate limits are not applicable to discharges which occur during dry weather base flow.

(d) A person regulated under this rule shall comply with the following sampling requirements:

(1) When possible, grab samples shall be taken two (2) times per month with one (1) sample representative of the dry weather base flow and one (1) sample representative of a precipitation event. In the event that only one (1) discharge event or no discharge occurred during a monthly reporting period, the monthly discharge monitoring report shall so state.

(2) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of Indiana.

(3) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1).

(4) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.

(e) A person regulated under this rule shall comply with the following reporting requirements:

(1) Under subsection (c), for reporting purposes, a person regulated under this rule shall report on the monthly discharge monitoring report all analytical results and identify on an attachment to this report the analytical results that were reported under subsection (c) and state the duration and volume of the precipitation event. Failure to submit the necessary information with the monthly discharge monitoring report will disqualify the discharge from the alternate effluent limitations and may lead to a violation of this rule.

(2) For areas designated as new source undetermined mine drainage status, influent pH and influent total iron are to be monitored for a six (6) month period to determine whether they are present in significant quantities. At the end of this sampling period, a person regulated under this rule may request, in writing, to the permits section at the address listed in 327 IAC 15-3-1, a review of these requirements. Upon review and approval by the Indiana department of environmental management, monitoring for influent pH and influent iron may cease, if appropriate, without public notice or comment.

(3) For areas designated as new source acid mine drainage status, total aluminum, total copper, total zinc, and total nickel are to be monitored for one (1) year to determine whether they are present in significant quantities. At the end of this sampling period, a person regulated under this rule may request, in writing, to the permits section at the address listed in 327 IAC 15-3-1, a review of these requirements. Upon review and approval by the Indiana department of environmental management, monitoring for total aluminum, total copper, total zinc, and total nickel may cease, if appropriate, without public notice or comment.

(4) Monthly discharge monitoring reports shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results obtained during the previous month and shall be postmarked no later than the twenty-eighth day of the month following each completed monitoring period. During a month in which no discharge occurs, the person regulated under this rule shall submit the report stating that no discharge occurred.

(5) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:

(A) The exact place, date, and time of sampling.

(B) The person(s) who performed the sampling or measurements.

(C) The dates the analyses were performed.

(D) The person(s) who performed the analyses.

(E) The analytical techniques or methods used.

(F) The results of all required analyses.

(6) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be included in the calculation and reporting of the values required in monthly discharge monitoring report. Such increased frequency shall also be indicated in this report.

(7) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:

(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or regarding promulgated effluent guidelines applicable to the facility; or

(B) when requested by the regional administrator or the Indiana department of environmental management.

(Water Pollution Control Board; 327 IAC 15-7-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2287; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657)

327 IAC 15-7-8 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. (*Water Pollution Control Board; 327 IAC 15-7-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2289*)

327 IAC 15-7-9 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) In accordance with 327 IAC 5-1-3(c), the commissioner and/or designated representative may inspect any facility regulated under this rule at any time.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalties as set forth under 327 IAC 15-1-4. (*Water Pollution Control Board; 327 IAC 15-7-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2289*)

327 IAC 15-7-10 Duration of coverage

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. (*Water Pollution Control Board; 327 IAC 15-7-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2289*)